

# **EXHIBIT R**

**EQUINOX****RECORD OF DISCUSSION (ROD)****EMPLOYEE NAME:** Jose Taveras**EMP#:** 068416**DATE ISSUED:** 6/14/19**CLUB:** East 92<sup>nd</sup> Street**DEPT:** Operations**POSITION:** General Manager**PLEASE SELECT ONE:**☐ **VERBAL ROD\***

\*Does not need to be signed by Employee

☒ **WRITTEN ROD**☐ **FINAL ROD****DESCRIBE REASON FOR RECORD OF DISCUSSION. UNSATISFACTORY PERFORMANCE/BEHAVIOR:**  
(BE SPECIFIC WITH DATES, TIMES, LOCATION, PARTIES INVOLVED, ETC.)

For the success of the individual and the company, all Equinox employees are expected to exhibit behaviors that align with our mission and promote a culture which builds, engages, and develops high performing teams.

Jose is not meeting the expectations of an Equinox employee as it relates to company standards regarding role responsibilities and performance standards for a General Manager.

Specifically, Jose failed to properly manage a highly sensitive employee relations case. PTM, Robynn Europe, reported a concern regarding an interaction involving a member and a Membership Advisor. During the interaction, Robynn was advised that the member wanted to work with a white male trainer, which Robynn was concerned about as we do not use race as a characteristic when matching clients to trainers. People Services was made aware of the complaint and a formal investigation was initiated.

RD, Adam Gecht, advised Jose to contact this member to discuss the incident in order for us to determine next steps. Jose was aware that this was a highly sensitive case and that we need to take the proper steps to ensure we address the employee's concerns. Jose did not follow Adam's direction, and rather advised the FM, Chris Maltman, to contact the member and get him set up for an Equifit and CPT. The PTM later learned of this and it appeared that her concern was not taken seriously and that Jose went around her to allow this individual in the club without addressing the issue.

**EXPECTED PERFORMANCE/BEHAVIOR (ACTION PLAN):**

Each employee must fulfill the responsibilities and expectations of his/her position, going above and beyond to drive company performance, support his/her coworkers, and deliver the ultimate member experience.

Jose is expected and required to meet acceptable performance standards and conduct himself in an appropriate manner during the course of his employment. He should address all members, co-workers, and supervisors with respect, demonstrating good judgment and striving to solve problems. Jose must fulfill the responsibilities and expectations of his position, going above and beyond to drive company performance, support his team, and deliver the ultimate member and employee experience.

As the business owner and operator of our East 92<sup>nd</sup> Street location, Jose is expected to have oversight of key responsibilities and activities in the club. Upon learning of any employee concern, Jose is expected to evaluate the situation and take the appropriate partners. He is expected to execute the investigative process as advised by his RD and Regional PS Director and must be mindful of how his actions will be perceived by others.

**CONSEQUENCES IF UNSATISFACTORY PERFORMANCE/BEHAVIOR OCCURS AGAIN:**

Further disciplinary action up to and including separation of employment.

**EMPLOYEE COMMENTS:**

I ACKNOWLEDGE THAT THIS RECORD OF DISCUSSION HAS BEEN PRESENTED TO ME AND THAT I UNDERSTAND THE EXPECTED PERFORMANCE/BEHAVIOR AS DESCRIBED ABOVE.

Jose Taveras  
Employee Name (Print)

Adam Gedht  
Supervisor (Print)

Stephanie Herrmann  
Witness (Print)

☐ Employee Received Copy of this ROD

[Signature] 6/14/19  
Employee Signature Date

[Signature] 6/14/19  
Supervisor Signature Date

[Signature] 6/14/19  
Witness Signature Date

☐ Employee Refused to Sign

Depending on the circumstances, it may be appropriate to skip a step and issue a different level of discipline, up to and including termination. Equinox is an at-will employer. This means either you or Equinox can terminate your employment at any time with or without cause or notice. Nothing in this Record of Discussion changes your at-will status. Nothing in this Record of Discussion nor any statement or promise by a supervisor, manager or employee shall constitute a promise of employment for a specified period of time or constitute an employment agreement of any kind.